



US Army Corps  
of Engineers  
Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: SPK-2007-00029

Date: November 30, 2007

Comments Due: December 30, 2007

In reply, please refer to the Public Notice Number

**SUBJECT:** The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to construct the South Willow Fork Detention Basin project, which would result in impacts to approximately 2.84 acres of waters of the United States, including wetlands, in or adjacent to South Fork Willow Creek. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

**AUTHORITY:** This application is being evaluated under Section 10 of the Rivers and Harbors Act of 1899 for structures or work in or affecting navigable waters of the United States and/or Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

**APPLICANT:** Eugene Massa  
Post Office Box 390  
Willows, California 95988  
530-517-0260

**LOCATION:** The project site is located in South Fork Willow Creek, Section 33 and 34, Township 20 North, Range 3 West, Glenn County, California, and can be seen on the Fruto USGS Topographic Quadrangle.

**PROJECT DESCRIPTION:** The applicant is proposing to construct a Detention Basin and Dam. Based on the available information, the overall project purpose is to provide reduce future flood-related damages in the City of Willows and surrounding agricultural land in Glenn County. The applicant believes there is a need to preserve and enhance agricultural production as well as provide flood protection. The attached drawings and additional project information provided by the applicant provide additional project details.

## **ADDITIONAL INFORMATION:**

**Environmental Setting.** There are approximately 19.03 acres of other waters and 1.67 acres of seasonal wetlands within the project area. The site is characterized by valley grassland habitat and has been highly disturbed over the years due to agricultural activity and extensive grazing. Nearly the entire site is currently used for livestock grazing and cattle have access to all drainages and throughout South Fork Willow Creek. Land adjacent to the proposed detention basin consists of mixed blue oak (*Quercus douglasii*) woodlands and additional valley grassland habitat. Sensitive habitats occurring within the study area include the following: a seasonal wetland, several ephemeral drainages, and the South Fork Willow Creek, which contains some riparian vegetation. The primary land use designation along South Fork Willow Creek is Foothill/Agriculture/Forestry.

**Alternatives.** The applicant has not provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

**Mitigation.** The applicant has not proposed mitigation for impacts to aquatic resources at this time. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. If the applicant is unable to avoid or minimize all impacts, the Corps may require compensatory mitigation.

**OTHER GOVERNMENTAL AUTHORIZATIONS:** Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the Regional Water Quality Control Board is required for this project. The applicant has indicated they have applied for certification.

**HISTORIC PROPERTIES:** The Corps will initiate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act, as appropriate.

**ENDANGERED SPECIES:** The proposed activity may affect Federally-listed endangered or threatened species or their critical habitat. The Corps will initiate consultation with the U.S. Fish and Wildlife Service and/or the National Marine Fisheries Service, pursuant to Section 7 of the Endangered Species Act, as appropriate.

**ESSENTIAL FISH HABITAT:** The proposed project may adversely affect Essential Fish Habitat. The Corps will initiate consultation with the National Marine Fisheries Service, pursuant to Magnuson-Stevens Fishery Conservation and Management Act, as appropriate.

The above determinations are based on information provided by the applicant and our preliminary review.

**EVALUATION FACTORS:** The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects,

and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

**SUBMITTING COMMENTS:** Written comments, referencing Public Notice SPK-2007-00029 must be submitted to the office listed below on or before December 30, 2007.

Brian E. Vierria, Project Manager  
US Army Corps of Engineers, Sacramento District  
Sacramento Office  
1325 J Street, Room 1480  
Sacramento, California 95814 2922  
Email: [brian.e.vierria@usace.army.mil](mailto:brian.e.vierria@usace.army.mil)

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Mr. Brian Vierria, 916-557-7728, [brian.e.vierria@usace.army.mil](mailto:brian.e.vierria@usace.army.mil).

Attachments: 3 drawings, 1 Alternatives Table, 1 Additional Project Information